

16519 U.S.PTO
112003

LAW OFFICES

BARRY R. LIPSITZ

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468

PATENTS, TRADEMARKS, COPYRIGHTS

BARRY R. LIPSITZ
DOUGLAS M. McALLISTER

TELEPHONE: (203)459-0200
FACSIMILE: (203)459-0201

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

***REQUEST FOR FILING A CONTINUATION OR DIVISION
OF AN INTERNATIONAL APPLICATION***

17497 U.S.PTO
10/718851
112003

Sir:

This is a request for filing a *continuation* application under 37 C.F.R. 1.53(b), of pending prior international application number PCT/EP02/05653 filed on May 23, 2002 which designated the United States.

Inventor(s): **Markus NESPER, Klaus-Dieter STEINHILPER and Dieter WEISSHAUPT**

Title: **IMPLANT FOR FIXING BONE PLATES**

APPLICATION ELEMENTS:

- (1) Patent Application Specification, including Abstract and claims - 20 pages
- (2) Two (2) sheet(s) of **formal drawings**, together with transmittal letter
- (3) A check in the amount of \$900.00 to cover the [X] filing fee(\$860.00) and/or [X] Assignment Recordal Fee (\$40.00) is enclosed.

- [] Before calculating the fee, cancel claim(s)
- [] Before calculating the fee, see copy of Preliminary Amendment filed.

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HOE-789
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| Basic Fee | | | | | | | \$ 770.00 |
|-------------------------------------|-----------------------|--------------|----|-----------|---|-------|-------------|
| Multiple Dependent Claims (\$260.) | | | | | | | |
| Foreign Language Surcharge (\$130.) | | | | | | | |
| | For | No. Filed | - | No. Extra | | Rate | |
| EXTRA | Total Claims | 25 | 20 | 5 | x | \$18. | = \$ 90.00 |
| CLAIMS | Independent Claims | 1 | 3 | 0 | x | \$80. | = \$ 0.00 |
| TOTAL FILING FEE | | | | | | | = \$ 860.00 |

[X] The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

(4) [X] Declaration and Power of Attorney form -- 2 pages

- [X] Newly executed
- [] Copy from a prior application
- [] Deletion of inventor(s) – signed statement attached deleting inventor(s) named in the prior application.

(5) [] Small Entity Status

ACCOMPANYING APPLICATION PARTS:

(6) [X] Assignment document

- [X] Newly executed (with \$40.00 recordal fee) and separate transmittal Form PTO-1595
- [] Copy from a prior application
- [X] Please include assignee information when this application is published
Assignee: **AESCLAP AG & Co. KG**
Am Aesculap-Platz
78532 Tuttlingen
Federal Republic of Germany

(7) [] Preliminary Amendment

(8) [] Certified Copy of Priority Document, together with separate transmittal letter

(9) [X] Information Disclosure Statement, together with PTO Form 1449 and copies of cited foreign and non-patent references and International Search Report for PCT/EP02/05653

(10) [X] Return receipt postage prepaid postcard

(11) [X] Express Mail Certificate (Mailing Label No. EV 129898018 US)

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(12) [X] Application Data Sheet

(13) [] Other:

(14) [X] Please amend the specification by inserting before the first line the sentence:

**"This application is a continuation of international application number
PCT/EP02/05653 filed on May 23, 2002."**

(15) [X] This application claims the benefit of German Patent Application No. 101 28 917.0 filed June 15, 2001.

(16) [X] Correspondence address:

**Barry R. Lipsitz
Law Offices of Barry R. Lipsitz
755 Main Street, Building 8
Monroe, CT 06468
Telephone: (203) 459-0200**

(17) [X] Pursuant to the provisions of 37 C.F.R. Sections 1.10 and 1.53, Applicants respectfully request that this application be assigned a serial number and a filing date of November 20, 2003, the date upon which the application was mailed to the Patent and Trademark Office by Express Mail (No. EV 129898018 US).

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
755 Main Street, Bldg. 8
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-789
Date: November 20, 2003

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Nesper et al.)
Filed: Herewith)

For: IMPLANT FOR FIXING BONE PLATES

EXPRESS MAIL CERTIFICATE

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"Express Mail" mailing label number **EV 129898018 US**

Date of Deposit: **November 20, 2003**

I hereby certify that the attached:

- Return receipt postage prepaid postcard;
- Check in the amount of \$900.00 (Filing fee (\$860.00) and recordal fee (\$40));
- Transmittal Letter (Request for Filing a Continuation or Division of an International Application), with attachment - 3 pages total;
- Application Data Sheet;
- Patent Application Specification including Abstract and Claims (20 pages);
- Two (2) sheets of formal drawings, together with transmittal letter;
- Declaration and Power of Attorney form;
- Assignment, together with Form PTO-1595;
- Information Disclosure Statement, together with Form PTO-1449 and copies of cited foreign and non-patent documents and International Search Report for International patent application PCT/EP02/05653.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and 1.53 on the date indicated above and is addressed to: **MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Carol Prentice
(Typed or printed name of person mailing paper or fee)

Carol Prentiss
(Signature of person mailing paper or fee)

Respectfully submitted,

Date: November 20, 2003
ATTORNEY DOCKET NO.: HOE-789

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Nesper et al.)
Application No.:)
Filed: Herewith)
For: **IMPLANT FOR FIXING BONE PLATES**

DRAWING REVIEW BRANCH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (No. EV 129898018 US) addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 20, 2003.

By: Carol Prentice

TRANSMITTAL OF FORMAL DRAWINGS

Dear Sir:

Enclosed are two (2) sheets of formal drawings for filing in the above-referenced patent application.

Please advise the undersigned attorney if correction is necessary.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
755 Main Street, Building 8
Monroe, CT 06468
(203) 459-0200

Date: November 20, 2003
ATTORNEY DOCKET NO.: HOE-789